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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,062	01/29/2002	David R. Goldmann	0240-P03509US00	7147
110	7590	05/23/2006	EXAMINER	
DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307			MORGAN, ROBERT W	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/060,062

Applicant(s)

GOLDMANN ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,742,895 to Robin.

As per claim 1, Robin teaches a hierarchical system for providing medical information comprising:

--the claimed control unit for setting forth navigation and for providing a plurality of medical guidance information for use by a medical professional is met by the plurality of physician terminals (30, Fig. 34) (see: column 11, lines 1-7). In addition, Robin teaches a home page which provides a user-navigable menu of content choices (see: column 5, lines 66-67);

--the claimed means for assisting the medical professional in navigating and searching disease specific hierarchical information in a database is met by the Pressure Point ® home page (10, Fig. 1) that guides the user via a series of simple graphical interface provided for all the software tools necessary for effective data collection, data interpretation, results reporting and disease management (see: column 5, lines 53-65). In addition, Robin teaches that all clinical data is defined by the clinician-user and stored in a distributed searchable online library (see: column 6, lines 19-20). Furthermore, Robin teaches the distributed database is managed and maintained

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by a conventional server system (42, Fig. 34) equipped with storage such as RAID memory to serve as the repository for patient records and other data (see: column 11, lines 12-16);

--the claimed means for distributing the hierarchical information to said medical practitioner is met by the network architecture allows information content to be created, distributed and managed by packet-based communication (see: column 10, lines 65-67). In addition, Robin teaches the navigation of various modules (100-400, Fig. 1) that provide visual displays for guiding the users through the system (see: column 5, lines 41-43); and

--the claimed means for rating the hierarchical information is met by assigning an explicit rating of importance to the care process for each recommendation and by assigning an explicit rating of strength of evidence supporting each recommendation (see: column 7, lines 46-50).

As per claim 2, Robin teaches a hierarchical system for providing medical information to medical practitioner comprising:

--the claimed control unit for setting forth system navigation and for providing a plurality of rated medical guidance information stored in a database is met by the Pressure Point ® home page (10, Fig. 1) that guides the user via a series of simple graphical interface provided for all the software tools necessary for effective data collection, data interpretation , results reporting and disease management (see: column 5, lines 53-65). In addition, Robin teaches a disease management module (400, Fig. 11) which is based on a unique quantitative management methodology (rating) that ensures that the adapted practice pattern is clinically relevant and specific enough to provide useful information to practitioner (see: column 7, lines 41-45). Furthermore, Robin teaches the distributed database is managed and maintained by a

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conventional server system (42, Fig. 34) equipped with storage such as RAID memory to serve as the repository for patient records and other data (see: column 11, lines 12-16);

--the claimed means for assisting a medical professional in obtaining disease specific hierarchical information from the database is met by the Pressure Point ® home page (10, Fig. 1) that guides the user via a series of simple graphical interface provided for all the software tools necessary for effective data collection, data interpretation, results reporting and disease management (see: column 5, lines 53-65). In addition, Robin teaches that all clinical data is defined by the clinician-user and stored in a distributed searchable online library (see: column 6, lines 19-20). Furthermore, Robin teaches the distributed database is managed and maintained by a conventional server system (42, Fig. 34) equipped with storage such as RAID memory to serve as the repository for patient records and other data (see: column 11, lines 12-16); and

--the claimed means for distributing hierarchical information to said medical practitioner is met by the network architecture allows information content to be created, distributed and managed by packet-based communication (see: column 10, lines 65-67). In addition, Robin teaches the navigation of various modules (100-400, Fig. 1) that provide visual displays for guiding the users through the system (see: column 5, lines 41-43).

As per claim 3, Robin teaches a method for generating medical information in a global computer system comprising the following steps:

--the claimed authoring a plurality of medical related guidance statements related to specific diseases and rating said information based upon at least one reliability criterion is met by the physical examination performed at every follow-up visit by the physician that includes

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assigned rating for recommendation and rating strength of evidence supporting each recommendation (see: column 8, lines 23-40 and Fig 13A-13D);

--the claimed placing the plurality of statements in an accessible database as a module and linking thereto a plurality of additional information and data related to the guidance statements is met by primary menu bar that allows navigation of the entire site for easy access to various modules 100, 200, 300 or 400 via the "Home", "Store Info", "Patient Database", "Help", and "Sample Reports" buttons (see: column 6, lines 27-31). In addition, Robin teaches a wide variety of supporting information is available by pressing the "Information" button, and this action directs the user to the Information Page of Fig. 3 (see: column 6, lines 42-44). Furthermore, Robin teaches the distributed database is managed and maintained by a conventional server system (42, Fig. 34) equipped with storage such as RAID memory to serve as the repository for patient records and other data (see: column 11, lines 12-16); and

--the claimed providing end users with access to statements and modules via a user interface is met by the Pressure Point ® home page (10, Fig. 1) that guides the user via a series of simple graphical interface provided for all the software tools necessary for effective data collection, data interpretation, results reporting and disease management (see: column 5, lines 53-65). In addition, Robin teaches the navigation of various modules (100-400, Fig. 1) that provide visual displays for guiding the users through the system (see: column 5, lines 41-43).

As per claim 4, Robin teaches the claimed each module corresponds to a specific disease. This limitation is met by the disease management module (400, Fig. 10) including the "Disease Management Pathways" designed as an overview of the various symptoms and management techniques for all forms of glaucoma (see: column 7, lines 26-33 and column 8, lines 41-46). The

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Examiner considers the categorical severity of the disease (mild, moderate and severe) as corresponding to a specific or different disease.

As per claim 5, Robin teaches the claimed additional information comprises both drug related and non-drug related information. This feature is met by the secondary clinical review performed by specialist who offers recommended treatment options, medications, as well as information about the management of the disease (see: column 5, lines 15-19 and Fig. 7).

As per claim 6, Robin teaches a method for generating medical information for use in a global computer system comprising the following steps:

--the claimed authoring and pre-storing a plurality of medical related guidance statements related to specific diseases and providing for each a qualitative rating based upon the evidence supporting the statement is met by assigning an explicit rating of importance to the care process for each recommendation and by assigning an explicit rating of strength of evidence supporting each recommendation (see: column 7, lines 46-50). In addition, Robin teaches that a panel of experts assigns rating to improve the quality of the patients care in a meaningful way (see: column 7, lines 50-53). Furthermore, Robin teaches the distributed database is managed and maintained by a conventional server system (42, Fig. 34) equipped with storage such as RAID memory to serve as the repository for patient records and other data (see: column 11, lines 12-16);

--the claimed placing the guidance statements within an accessible database as a module and linking thereto a plurality of additional information and data related to the guidance statements is met by primary menu bar that allows navigation of the entire site for easy access to various modules 100, 200, 300 or 400 via the "Home", "Store Info", "Patient Database", "Help",

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and "Sample Reports" buttons (see: column 6, lines 27-31). In addition, Robin teaches a wide variety of supporting information is available by pressing the "Information" button, and this action directs the user to the Information Page of Fig. 3 (see: column 6, lines 42-44).

Furthermore, Robin teaches the distributed database is managed and maintained by a conventional server system (42, Fig. 34) equipped with storage such as RAID memory to serve as the repository for patient records and other data (see: column 11, lines 12-16); and

--the claimed providing end users with access to statements and modules via a user interface such that the guidance statements, additional information and, data are accessible is met by primary menu bar that allows navigation of the entire site for easy access to various modules 100, 200, 300 or 400 via the "Home", "Store Info", "Patient Database", "Help", and "Sample Reports" buttons (see: column 6, lines 27-31). In addition, Robin teaches a disease management module (400, Fig. 10) including the "Disease Management Pathways" designed as an overview of the various symptoms and management techniques for all forms of glaucoma (see: column 7, lines 26-33 and column 8, lines 41-46).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (6,918,771) Arington et al. teaches stimulation method and system based on a distributive processing model is used for training and educating health-care teams.

In related art (5,517,405) McAndrew et al. discloses a problem solving expert system, which is particularly useful in managing the health care of individual patient.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773.

The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert Morgan  
Patent Examiner  
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